

REMARKS

Claims 1-4, 8-13, 39, 44, 143-144, and 147 were previously pending in this application. By this amendment, Applicant is canceling claims 1 and 2 without prejudice or disclaimer. Claims 3, 39, and 44 have been amended. New claim 149 has been added. As a result claims 3-4, 8-13, 39, 44, 143-144, 147 and 149 are pending for examination with claims 3, 39, and 44 being independent claims. No new matter has been added.

Claim 3 was amended to add the limitation of now canceled claim 1, from which claim 3 depended. Claim 39 was amended to be similar to claim 3. Support for these limitations is found within the specification as well as the original claims. Claim 44 was amended to add the limitation that the cell was contacted with an immune molecule ligand, which is further characterized as an MHC class II HLA-DR ligand in claim 149. support is found throughout the general description in the specification for decreasing mitochondrial membrane potential to increase expression of immune recognition molecules on the surface of cells and then containing the cells with a molecule that recognizes the immune molecule. An example appears on page 22 lines 2-9 which describe decrease in potential followed by upregulation of MHC class II HLA-DR, which is then contacted with a ligand. MHC class II HLA-DR ligand is defined on page 25 lines 13-26. On page 33 lines 3-5 it is taught that immune recognition molecules are cell surface proteins which mark a cell for identification by immune cells. Immune recognition molecules include MHC class II HLA-DR.

Claims 3-4 and 8-12

Claims 3-4 and 8-12 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has incorporated the limitations of claim 1 into claim 3 and have rewritten claim 3 in independent form. Claims 4 and 8-12 depend from claim 3. It is believed that these claims are in allowable form.

Rejection of Claims 1, 2, 13, 39, 143 and 144.

Claims 1, 2, 13, 39, 143, 144 have been rejected as lacking an adequate written description because according to the examiner the claims must include the limitation that the cell is treated with an MHC class II HLA-DR inducing agent.

Applicant has amended claim 39 to include the limitation that the cell is treated with an MHC class II HLA DR inducing agent. It is believed that the amendment to this claim is sufficient to overcome the rejection of claims 39 and dependent claims 143-144.

Applicant has canceled claims 1 and 2.

Claim 13 already includes the limitation that the cell is treated with an MHC class II HLA-DR inducing agent. Thus, it is believed that the rejection does not apply to claim 13 and that claim 13 is allowable.

Allowable Subject Matter

Applicant thanks the examiner for the indication that claims 44 and 147 are allowable. After further consideration, applicant has elected to narrow the scope of claim 44 by adding the limitation that the cell is also contacted with an immune molecule ligand such as an MHC class II HLA-DR ligand (in new claim 149). The additional step produces the desirable physiological effect on the cells by engaging the immune recognition molecules that are expressed on the cell as a result of the performance of the first step (contacting the cell with a metabolic inhibition agent). It is believed that the additional step clarifies the claim. The scope of the claim has been narrowed. Thus, claim 44 and dependent claims 147 and 149 should be allowable.

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CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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